

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DWAUN E. FLEMING, SR,

Plaintiff,  
v.

DR. JOSEPH P. CULLEN, et al.

Defendants.

ORDER

Case No. 24-cv-357-wmc

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DWAUN E. FLEMING, SR,

Plaintiff,  
v.

C.O. DAMAN, et al.

Defendants.

ORDER

Case No. 24-cv-358-wmc

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On May 28, 2024, I ordered plaintiff Dwaun E. Fleming, Sr to make an initial partial payment of the filing fee in the amount of \$47.06 for case 24-cv-357-wmc and \$47.06 for case 24-cv-358-wmc by June 25, 2024. Now plaintiff has filed a letter, which I construe as a motion, for an order directing prison officials to allow the plaintiff to withdraw \$47.06 for each case from a release account to make the payments. I will grant the motion.

Under the Prison Litigation Reform Act, an inmate who files a lawsuit in federal court under the *in forma pauperis* statute, 28 U.S.C. § 1915, must pay the \$350 filing fee, first by making an initial partial payment under § 1915(b)(1), and then by paying the remainder of the filing fee in monthly installments under § 1915(b)(2). If a prisoner does not have sufficient funds in a regular inmate account to make the initial partial payment, then the prisoner may withdraw funds from a release account. However, prison officials will draw funds first from

the prisoner's regular account and any portion of the initial partial payment remaining from the prisoner's release account. *Carter v. Bennett*, 399 F. Supp. 2d 936, 937 (W.D. Wis. 2005).

ORDER

IT IS ORDERED that prison officials shall disburse up to \$47.06 for case 24-cv-357-wmc and \$47.06 for case 24-cv-358-wmc from plaintiff's release account to satisfy the initial partial payments of the filing fees. If plaintiff does not have sufficient funds in a regular inmate account to make the initial partial payments, then the funds may be withdrawn from the release account. Plaintiff's initial partial payments are due by July 1, 2024.

Entered this 13th day of June, 2024.

BY THE COURT:

/s/  
ANDREW R. WISEMAN  
United States Magistrate Judge